

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO K. BENNETT,

Plaintiff,

vs.

JEANNE WOODFORD, et al.,

Defendants.

No. C 05-3502 JF (PR)

ORDER REGARDING
PLAINTIFF'S PENDING
MOTIONS

(Docket Nos. 55, 61, 75, 76, 77,
78, 82, 83, 87)

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Pelican Bay State Prison ("PBSP") officials and the Director of the California Department of Corrections and Rehabilitation. The Court dismissed Plaintiff's claims in the original complaint and the amended complaint with leave to amend. Plaintiff filed a second amended complaint on April 16, 2007. Plaintiff has filed several requests and motions for discovery. Plaintiff has filed a motion for subpoenas, motion for copies, and two motions for default judgment. The Court will address Plaintiff's pending motions as set forth below. The Court will review the second amended complaint in a separate written order.

DISCUSSION

The Court has yet to review the second amended complaint. Accordingly, Defendants have not been served at this time. The Court notes that Plaintiff does not need to file any discovery requests with the Court. At this time, all motions and requests for discovery (docket nos. 55, 76, 77, 78, 82) are DENIED without prejudice as premature. Plaintiff's request for the Clerk to order subpoenas (docket no. 75) is DENIED without prejudice. If the Court orders service of the amended complaint, summons will be issued and a copy of the amended complaint will be served on the Defendants by the Court, as Plaintiff is proceeding in forma pauperis.

Plaintiff's motions for default judgment (docket nos. 83, 87) are DENIED as moot because Defendants have not been served. Plaintiff's motion for copies (docket no. 61) is DENIED without prejudice. Plaintiff may complete the enclosed form requesting copies of any documents filed in this case and submit payment of \$.50 per page. The Court notes that Plaintiff need not file any further motions or requests to proceed with his case. The Court will review the second amended complaint in a separate written order.

It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court informed of any change of address by filing a separate paper with the clerk headed "Notice of Change of Address." He must comply with the Court's orders in a timely fashion or ask for an extension of time to do so. Failure to comply may result in the dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: 3/19/08



JEREMY FOGEL
United States District Judge

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